

1 JOHN L. BURRIS, ESQ. CSB#69888
2 LAW OFFICES OF JOHN L. BURRIS
3 Airport Corporate Centre
4 7677 Oakport Street, Suite 1120
5 Oakland, CA 94621-1939
6 Tel: (510) 839-5200
7 Fax: (510) 839-3882
8 E/M: John.Burris@JohnBurrisLaw.com

9 Attorneys for Danilo Martin Molieri
10 And Daniel Steven Molieri, Plaintiffs

11
12
13 **UNITED STATES DISTRICT COURT**
14
15 **NORTHERN DISTRICT OF CALIFORNIA**
16
17 **(SAN FRANCISCO)**

18 DANIEL MARTIN MOLIERI and,
19 DANIEL STEVEN MOLIERI,

20 Plaintiffs,

21 vs

22 COUNTY OF MARIN; Marin
23 County Sheriff's Sergeant
24 J. SCARDINA; Sheriff's Deputy
25 ERIC RICHARDSON; Sheriff's
26 Deputy BONDANZA; CITY AND
27 COUNTY OF SAN FRANCISCO;
28 San Francisco Police Sergeant
R. COX; San Francisco Police
Sergeant J. O'MALLEY; and
DOES 1 through 25, inclusive,

Defendants.

CASE NO. C-10-5430 MMC

Complaint Filed: 12/1/2010

STIPULATION TO EXTEND TIME TO
COMPLETE EXPERT DISCLOSURES
AND DISCOVERY; (~~PROPOSED~~) ORDER

-----/

STIPULATION

The parties in this, the above-entitled matter, by and through their respective counsel of record, stipulate and agree to the following in support of their request to the court to modify the pretrial scheduling order:

1. The complaint in this matter was filed on December 1, 2010. Subsequent to its filing, counsel have cooperatively and diligently developed this case for resolution, disposition or trial through discovery.
2. This case centers around police practices and discovery necessarily requires experts in police practices and procedures, in addition to discovery from both plaintiffs and law enforcement personnel.
3. The court granted the parties' previous request extend the time within which to conclude specifically identified depositions, from December 2, 2011 to and through December 23, 2011. Discovery and depositions of law enforcement personnel and those persons most knowledgeable with respect to relevant police practices and procedures are complete.
4. The court ordered that disclosure of expert witnesses be completed by December 23, 2011, disclosure of rebuttal experts by January 6, 2012 and completion of discovery from experts by January 27, 2012. The previous stipulation did not contemplate modification of those deadlines. However, because of the significance of the depositions currently underway, including those occurring on December 22, 2011, and plaintiffs' contention that there are unresolved discovery matters, the parties' designated police practices expert witnesses anticipate obtaining additional information after completion of their FRCP Rule 26 reports on December 23, 2011. This information may result in modification or amendment of their reports.

1 5. Given the foregoing factual representations, the parties request that the court modify the
2 pretrial scheduling order by extending the deadline for disclosure of experts, to and
3 through January 10, 2012, and disclosure of rebuttal experts by January 17, 2012.
4

5
6 Dated: December 22, 2011

LAW OFFICES OF JOHN L. BURRIS

7
8 By: /S/JOHN L. BURRIS
John L. Burris, Esq.
9 Attorneys for Plaintiffs
Danilo Martin Molieri and
10 Daniel Steven Molieri
11

12 Dated: December 22, 2011

PATRICK K. FAULKNER
County Counsel

13
14 By: /S/RENEE GIACOMINI BREWER
15 Renee Giacomini Brewer.
Deputy County Counsel
16 Attorneys for County of Marin
17

18 Dated: December 22, 2011

DENNIS J. HERRERA
City Attorney
19 JOANNE HOEPER
Chief Trial Deputy
20

21 By: /S/MICHAEL GERCHOW
22 Michael Gerchow
Deputy City Attorney
23 Attorneys for Defendant
City and County of San Francisco
24
25
26
27
28

ORDER

The court, having considered the parties' stipulation and good cause appearing,

IT IS ORDERED that the pretrial scheduling order is modified in the following limited particulars:

1. The date by which disclosure of expert witnesses, and exchange of FRCP Rule 26 reports will be completed is extended from December 23, 2011 to January 10, 2012.
2. The date by which rebuttal experts are to be disclosed is extended to January 17, 2012.

Dated: December 23, 2011


UNITED STATES DISTRICT JUDGE